IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 174 of 2005
In
COMPANY PETITION No. 7 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHANDUBHAI HARJIVANBHAI PATEL - Applicant(s)
Versus
O.L.OF GUJARAT STEEL TUBES LTD. & 6 - Respondent(s)

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Appearance :

MR KISHOR M PAUL for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MS AMEE YAJNIK for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,4 - 5, 7,
MS NALINI S LODHA for Respondent(s) : 3,
MR LN MEDIPALLY for Respondent(s) : 6,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 26/09/2006

ORAL JUDGMENT

1. By way of present Judge's Summons, the applicant one of the ex-workman of M/s. Gujarat Steel

Tubes Limited (company in liquidation) has prayed for an appropriate order directing the Official Liquidator of the company in liquidation to disburse an amount of Rs.6,24,330/- in his favour towards the legal lawful claim of applicant regarding outstanding salary, bonus gratuity, retrenchment compensation, leave encashment, etc.

2. A grievance is made on behalf of the petitioner - workman that inspite of the fact that the petitioner has lodged his claim with the Official Liquidator and in turn the Office Liquidator has sent it to the Chartered Accountant for its verification and inspite of the fact that sufficient time has been passed, no further action has been taken by the Official Liquidator and the claim of the applicant is not verified.

3. Ms. Amee Yajnik, learned advocate appearing for the Official Liquidator has submitted that inspite of many correspondences with the

Chartered Accountant, who is engaged for the purpose of verification of the claim of the applicant and others, the Chartered Accountant has not responded and therefore, the claim of the applicant could not be verified.

4. In view of the above, the Official Liquidator is directed to see that the claim of the applicant is verified by the Chartered Accountant and the Chartered Accountant submits its report within a period of two months from the date of receipt of this order and decide the claim of the applicant and informed the applicant accordingly. If it is found that the Chartered Accountant is not co-operating then it will be open for the Official Liquidator to move an appropriate application/ OLR for discontinuation of the services of such Chartered Accountant. When a Chartered Accountant is appointed pursuant to the order passed by this Court for the verification of the claims of the workers and/or secured creditors, it is the bounden duty of the Chartered Accountant to act promptly and verify the

claims. The Official Liquidator is directed to communicate the feelings of the Court to the Chartered Accountant so that in future the Chartered Accountant acts promptly. On verification of the claim by the Official Liquidator on the basis of the report of the Chartered Accountant, it will be open for the applicant to move an appropriate application for disbursement and relief which is sought in the present application.

5. With the above observations and directions, the present application is disposed of at this stage.

[M.R.SHAH, J.]

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